

iii. identity of the currency purchased;

iv. the amount purchased;

(C) Time of the transaction.

With respect to section (i)(1)(I) and (i)(2)(G) above, the requirement for disclosure of the time of the exchange shall be deemed to be met, if income item conversions and/or *de minimis* purchase and sale transactions by a bank or broker-dealer take place once per day and the time of such conversions is set forth in the bank's or broker-dealer's written policies and procedures which are provided to the independent plan fiduciary as required under section II(h)(1) of this exemption.

(j) The bank or broker-dealer, or its affiliate, maintains, within territories under the jurisdiction of the United States Government, for a period of six years from the date of the transaction, the records necessary to enable the persons described in paragraph (1) of this section to determine whether the applicable conditions of this exemption have been met, including a record of the specific exchange rate or range of exchange rates the bank or broker-dealer established each day for foreign exchange transactions effected under standing instructions for income item conversions and *de minimis* purchase and sale transactions. However, a prohibited transaction will not be considered to have occurred if, due to circumstances beyond the bank's or broker-dealer's control, the records are lost or destroyed prior to the end of the six-year period, and no party in interest other than the bank or broker-dealer, or its affiliate shall be subject to the civil penalty that may be assessed under section 502(i) of the Act, or the taxes imposed by section 4975(a) and (b) of the Code, if the records are not maintained by the bank or broker-dealer, or its affiliate, or are not made available for examination by the bank or broker-dealer, or its affiliate as required by paragraph (h) below.

(k)(1) Except as provided in subparagraph (2) of this paragraph and notwithstanding any provisions of subsection (a)(2) and (b) of section 504 of the Act, the records referred to in paragraph (j) of this Section are available at their customary location for examination, upon reasonable notice, during normal business hours by:

(A) Any duly authorized employee or representative of the Department of Labor or the Internal Revenue Service.

(B) Any fiduciary of a plan who has authority to acquire or dispose of the assets of the plan involved in the foreign exchange transaction or any duly authorized employee or representative of such fiduciary.

(C) Any contributing employer to the plan involved in the foreign exchange transaction or any duly authorized employee or representative of such employer.

(2) None of the persons described in subparagraphs (B) and (C) shall be authorized to examine a bank's or broker-dealer's trade secrets or commercial or financial information of a bank or broker-dealer, or an affiliate thereof which is privileged or confidential.

#### Section IV Definitions and General Rules

For purposes of this exemption,

(a) A "foreign exchange transaction" means the exchange of the currency of one nation for the currency of another nation.

(b) The term "standing instruction" means a written authorization from a plan fiduciary, who is independent of the bank or broker-dealer engaging in the foreign exchange transaction and any affiliate thereof, to the bank or broker-dealer to effect the transactions specified therein pursuant to the instructions provided in such authorization.

(c) A "bank" means a bank which is supervised by the United States or a State thereof, or any domestic affiliate thereof.

(d) A "broker-dealer" means a broker-dealer registered under the Securities Exchange Act of 1934, or any domestic affiliate thereof.

(e) A "domestic affiliate" of a bank or broker-dealer means any entity which is supervised by the United States or a state thereof and which is directly or indirectly, through one or more intermediaries, controlling, controlled by, or under common control with such bank or broker-dealer.

(f) The term "control" means the power to exercise a controlling influence over the management or policies of a person other than an individual.

(g) An "income item conversion" means the conversion into U.S. dollars of an amount which is the equivalent of no more than 100,000 U.S. dollars of interest, dividends or other distributions or payments with respect to a security, tax reclaims, proceeds from dispositions of rights, fractional shares or other similar items denominated in the currency of another nation that are received by the bank or broker-dealer on behalf of the plan from the plan's foreign investment portfolio.

(h) A "*de minimis* purchase or sale transaction" means the purchase or sale of foreign currencies in an amount of no more than 100,000 U.S. dollars or the

equivalent thereof in connection with the purchase or sale of foreign securities by a plan.

(i) For purposes of this exemption the term "employee benefit plan" refers to a pension plan described in 29 CFR § 2510.3-2 and/or a welfare benefit plan described in 29 CFR § 2510.3-1.

(j) For purposes of this exemption, the term "good funds" means funds immediately available in cash with no sovereign or other governmental impediments or restrictions to the exchange or transfer of such funds.

(k) For purposes of this exemption, the term "business day" means a banking day as defined by federal or state banking regulations.

Signed at Washington, DC, this 28th day of January, 1997.

Alan D. Lebowitz,

Deputy Assistant Secretary for Program Operations, Pension and Welfare Benefits Administration, U.S. Department of Labor.

[FR Doc. 97-2556 Filed 1-31-97; 8:45 am]

BILLING CODE 4510-29-M

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## LIBRARY OF CONGRESS

### Copyright Office

[Docket No. 96-4 CARP DPRA]

### Digital Phonorecord Delivery Rate Adjustment Proceeding

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice vacating precontroversy discovery schedule and notice of meeting.

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**SUMMARY:** The Library of Congress is vacating the current precontroversy discovery schedule and the date for initiating the proceeding to determine reasonable rates and terms for digital transmissions that constitute a digital phonorecord delivery to allow further negotiations. On April 1, 1997, the parties will meet with members of the Copyright Office and report on the status of these negotiations.

**DATES:** The schedule for the digital phonorecord delivery rate adjustment proceeding is vacated as of February 3, 1997. On April 1, 1997, at 10:00 a.m., the Copyright Office will conduct a status meeting with all interested parties.

**ADDRESSES:** The meeting will be held at the Library of Congress, James Madison Building, Room LM-414, First and Independence Avenue, SE., Washington, DC 20540.

**FOR FURTHER INFORMATION CONTACT:** William Roberts, Senior Attorney for Compulsory Licenses, or Tanya M.

Sandros, Attorney Advisor, Copyright Arbitration Royalty Panels, P.O. Box 70977, Southwest Station, Washington, DC 20024. Telephone: (202) 707-8380.

**SUPPLEMENTARY INFORMATION:** The Digital Performance Right in Sound Recordings Act of 1995 ("Digital Performance Act"), Public Law No. 104-39, 109 Stat. 336., confirms and clarifies that the scope of the compulsory license to make and distribute phonorecords of nondramatic musical compositions includes digital transmissions which constitute "digital phonorecord deliveries." 17 U.S.C. 115(c)(3). A "digital phonorecord delivery" is each individual delivery of a phonorecord by digital transmission of a sound recording which results in a specifically identifiable reproduction by or for any transmission recipient. 17 U.S.C. 115(d), 37 CFR 255.4.

The rate for all digital phonorecord deliveries made or authorized under a compulsory license on or before December 31, 1997, is the same as the current rate for the making and distribution of physical phonorecords: 6.95 cents for each work embodied in a phonorecord, or 1.3 cents per minute of playing time or fraction thereof, whichever amount is larger. 37 CFR 255.5.

The current rate for digital phonorecord deliveries expires on December 31, 1997. Accordingly, in the Digital Performance Act, Congress established a two-step process for adjusting the royalty rate, a negotiation period wherein the owners and the users attempt to reach their own voluntary licenses, and then if necessary, and upon the filing of a petition in 1997, the convening of a copyright arbitration royalty panel (CARP) to establish rates and terms for those persons who are not covered by such voluntary licenses. 17 U.S.C. 115(c)(3) (C) and (D).

On July 17, 1996, the Copyright Office published a notice initiating a period for the users and owners to negotiate reasonable rates and terms for digital transmissions that constitute a digital phonorecord delivery. 61 FR 37213 (July 17, 1996). In that notice, the Office acknowledged that the Digital Performance Act specified neither a date for initiating the negotiation period, nor a date for concluding the negotiations and instituting an arbitration proceeding. Nevertheless, the expiration of the current rates on December 31, 1997, prompted the Office to create a schedule which would have new effective rates in place by January 1, 1998. *Id.*

The parties with an interest in negotiating the rates and terms for the

digital phonorecord delivery license established in the Digital Performance Act, however, believed that the Office's proposed schedule did not provide sufficient time for negotiating a voluntary set of rates and terms. Therefore, on November 8, 1996, the Recording Industry Association of America, the National Music Publishers' Association, Inc., and the Harry Fox Agency, Inc. (collectively, "the Parties") filed a joint motion with the Library to vacate the scheduled dates appearing in the July 17, 1996, Federal Register notice. The Parties informed the Office that adherence to the proposed schedule would prematurely terminate their efforts to reach a voluntary license. The Office announced a new schedule for this proceeding, 61 FR 65243 (December 11, 1996), which moved the date for the filing of direct cases from January 31, 1997, to April 1, 1997.

In response to the new schedule, the parties requested a meeting with the Register of Copyrights to discuss the problems associated with negotiating rates and terms for the digital phonorecord delivery compulsory license within the proposed time frame. The Copyright Office met with representatives of the Recording Industry of America, the National Music Publishers' Association, and the Harry Fox Agency, Inc. on January 9, 1997. At this meeting, the Parties outlined the difficulties in determining rates and terms for use of a new technology in a marketplace with little definition or clear direction. The Parties indicated that they fully expected to reach a voluntary agreement through negotiations over the next few months; however, they believe it is not possible to conclude negotiations before April 1, nor to prepare adequate direct cases for presentation to an arbitration panel by this date in the event the Office chose to proceed with its schedule. At the conclusion of the meeting, the Parties asked the Office to reconsider their original motion to vacate the schedule and to refrain from setting a new schedule while the Parties continue their negotiations.

Upon further consideration, the Office is granting the Parties' request to vacate the announced schedule for this proceeding, thereby removing any impediment for constructive negotiations between the users and the owners. The setting of the rates and terms for the delivery of digital phonorecords is not an open ended process; therefore, the Office will continue to monitor the progress of the negotiations through periodic status meetings, the first of which is scheduled for April 1, 1997.

Dated: January 27, 1997.

Marybeth Peters,

*Register of Copyrights.*

[FR Doc. 97-2539 Filed 1-31-97; 8:45 am]

BILLING CODE 1410-33-P

## NATIONAL COMMUNICATIONS SYSTEM

### Telecommunications Service Priority System Oversight Committee

**AGENCY:** National Communications System (NCS).

**ACTION:** Notice of meeting.

A meeting of the Telecommunications Service Priority (TSP) System Oversight Committee will convene Thursday March 6, 1997 from 9 a.m. to 12:00 a.m. The meeting will be held at Booz-Allen & Hamilton 8283 Greensboro Drive, McLean VA.

—Opening/Administrative Remarks

—Status of the TSP Program

—Preview of the TSP and CPAS Home Page

—Status of the CPAS Program

Anyone interested in attending or presenting additional information to the Committee, please contact LCDR Angela Abrahamson, Manager, TSP Program Office, (703) 607-4930, or Betty Hoskin (703) 607-4932 by March 1, 1997.

Dr. Dennis Bodson,

*Federal Register Liaison Officer, National Communications System.*

[FR Doc. 97-2602 Filed 1-31-97; 8:45 am]

BILLING CODE 5003-25-M

## NATIONAL CREDIT UNION ADMINISTRATION

### Notice of Change in Subject of Meeting

The National Credit Union Administration Board determined that its business required the deletion of the following items from the previously announced open meeting (Federal Register, Vol. 62, No. 17, page 3922, January 27, 1997) scheduled for Wednesday, January 29, 1997.

3. Chartering and Field of Membership Issues.

7. Final Rule: Amendments to Part 704, NCUA's Rules and Regulations, Corporate Credit Unions.

The Board voted unanimously that Agency business required that these items be deleted from the open agenda and earlier announcement of these changes was not possible.

The previously announced items were:

1. Approval of Minutes of Previous Open Meeting.

2. Proposed Revision to the Operating Fee Scale.

*Total Burden Cost (capital/startup):* \$0.

*Total Burden Cost (operating/maintenance):* \$0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they also will become a matter of public record.

Signed at Washington, D.C., this 5th day of December, 1996.

W. Stuart Rust, Jr.,

*Acting Chief, Division of Management Systems, Bureau of Labor Statistics.*

[FR Doc. 96-31474 Filed 12-10-96; 8:45 am]

BILLING CODE 4510-24-M

## **LIBRARY OF CONGRESS**

### **Copyright Office**

[Docket No. 96-4 CARP DPRA]

### **Digital Phonorecord Delivery Rate Adjustment Proceeding**

**AGENCY:** Copyright Office, Library of Congress.

**ACTION:** Notice of precontroversy discovery schedule.

**SUMMARY:** The Library of Congress is announcing a new precontroversy discovery period for determining reasonable rates and terms for digital transmissions that constitute a digital phonorecord delivery. The Library is also establishing new dates for the filing of petitions to convene a Copyright Arbitration Royalty Panel (CARP) and Notices of Intent to Participate. This action is intended to give all interested parties additional time to negotiate voluntary agreements.

**DATES:** Petitions to convene a CARP to determine the terms and rates for digital phonorecord deliveries must be filed by March 3, 1997. Notices of Intent to Participate must be filed by March 17, 1997.

**ADDRESSES:** Petitions to convene a CARP and Notices of Intent to Participate, when sent by mail, should be addressed to: Copyright Arbitration Royalty Panel (CARP), P.O. Box 70977, Southwest Station, Washington, DC 20024. If hand delivered, they should be brought to: Office of the General Counsel, Copyright Office, James Madison Memorial Building, Room LM-407, First and Independence Avenues, SE, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** William Roberts, Senior Attorney for Compulsory Licenses, or Tanya Sandros, Attorney Advisor, Copyright Arbitration Royalty Panels, P.O. Box

70977, Southwest Station, Washington, DC 20024. Telephone: (202) 707-8380.

### **SUPPLEMENTARY INFORMATION:**

#### **Background**

On November 1, 1995, Congress passed the Digital Performance Right in Sound Recordings Act of 1995 ("Digital Performance Act"). Public Law No. 104-39, 109 Stat. 336. Among other things, it confirms and clarifies that the scope of the compulsory license to make and distribute phonorecords of nondramatic musical compositions includes the right to distribute or authorize distribution by means of a digital transmission which constitutes a "digital phonorecord delivery." 17 U.S.C. 115(c)(3)(A). A "digital phonorecord delivery" is defined as each individual delivery of a phonorecord by digital transmission of a sound recording which results in a specifically identifiable reproduction by or for any transmission recipient \* \* \*. 17 U.S.C. 115(d).

The Digital Performance Act established that the rate for all digital phonorecord deliveries made or authorized under a compulsory license on or before December 31, 1997, is the same rate in effect for the making and distribution of physical phonorecords. 17 U.S.C. 115(c)(3)(A)(i). For digital phonorecord deliveries made or authorized after December 31, 1997, the Digital Performance Act established a process that may take two-steps for determining the terms and rates. 17 U.S.C. 115(c)(3)(A)(ii). The first step in the process is a voluntary negotiation period initiated by the Librarian of Congress to enable copyright owners and users of the section 115 digital phonorecord delivery license to negotiate the terms and rates of the license. The Librarian initiated this period on July 17, 1996, and directed it to end on December 31, 1996. 61 FR 37213 (July 17, 1996).

The second step of the process is the convening of a CARP to determine reasonable terms and rates for digital phonorecord deliveries for parties not subject to a negotiated agreement. In the July 17, 1996, Federal Register notice, the Library stated that CARP proceedings would begin, in accordance with the rules of 37 CFR part 251, on January 31, 1997. 61 FR 37214. The Library also directed those parties not subject to a negotiated agreement to file their petitions to convene a CARP, as required by 17 U.S.C. 115(c)(3)(D), by January 10, 1997, and their Notices of Intent to Participate in CARP proceedings by January 17, 1997. *Id.* In addition, the Library directed interested parties to comment by November 8,

1996, on the possibility of consolidating the CARP proceeding to determine terms and rates for digital phonorecord deliveries with the proceeding to adjust the mechanical royalty rate for the making and distributing of physical phonorecords. 61 FR 37215.

#### **Petition To Vacate**

On November 8, 1996, the Library received a joint motion from the Recording Industry Association of America, the National Music Publishers' Association, Inc., and The Harry Fox Agency, Inc. (collectively, "the Parties") to vacate the scheduled dates appearing in the July 17, 1996, Federal Register notice for convening a CARP. The Parties submit that they are in continuous negotiations to reach a private agreement as to the terms and rates for digital phonorecord deliveries, and that the Library's announced schedule for CARP proceedings will prematurely terminate these negotiations and eliminate the likelihood that a private agreement will be reached. The Parties request an extension of the negotiation period until April 1, 1997, at which point they will inform the Library if they need additional time.

In support of their request, the Parties submit that a CARP proceeding to set terms and rates for digital phonorecord deliveries, if required, need not be completed in calendar year 1997. Despite the fact that the current rates for digital phonorecord deliveries expire on December 31, 1997, the Parties submit that any rates and terms established through a CARP proceeding, no matter when it is completed, will be effective beginning January 1, 1998. 17 U.S.C. 115(c)(3)(D). As a result, the Parties assert that no party will be prejudiced by vacating the current schedule and allowing the current negotiations to continue until completed.

In addition to their request to vacate the CARP schedule, the Parties oppose at this time the consolidation of the digital phonorecord delivery CARP proceeding with the CARP proceeding for adjusting the mechanical royalty rate for physical phonorecords. Should negotiations for a digital phonorecord delivery agreement fail, the Parties will notify the Library at that time as to their views on consolidation.

#### **New Precontroversy Discovery Schedule**

The Library is announcing a new and complete precontroversy discovery schedule for a CARP proceeding to establish the terms and rates for the section 115 license for digital phonorecord deliveries for parties not

subject to a negotiated agreement. The Library is creating a new schedule to provide all interested parties with additional time to negotiate, subject to the following comments.

As the Parties correctly observed in their joint motion, the Library set the original schedule for CARP proceedings based on the termination of the current rates for digital phonorecord deliveries on December 31, 1997. 61 FR 37214 ("Should negotiations fail and the Librarian be petitioned to convene a CARP, written direct cases would have to be filed by January 31, 1997, if the precontroversy period (three months), the arbitration proceeding (six months) and the Librarian's review of the CARP's decision (two months) is to conclude by December 31, 1997. Otherwise, there will be a lapse in time when no rates apply to digital phonorecord deliveries." ). The Parties submit that there will not be any lapse because 17 U.S.C. 115(c)(3)(D) provides that terms and rates determined through a CARP proceeding are effective on January 1, 1998, no matter when adopted. As a result, the Parties view a CARP proceeding as an open-ended process, in that it could take place in 1998, 1999, or any subsequent year with a retroactive application to January 1, 1998.

The Library does not share the Parties' view that the first CARP proceeding to set terms and rates for digital phonorecord deliveries is so open-ended. Congress did intend that the parties have a sufficient period of time to negotiate voluntary agreements, 141 Cong. Rec. S11,945, S11,958 (daily ed. August 8, 1995), but there is no indication that the period was to be indefinite. The statute is clear that subsequent CARP proceedings to adjust terms and rates for digital phonorecord deliveries must be "repeated and concluded \* \* \* in each fifth calendar year after 1997". 17 U.S.C. 115(c)(3)(F). The statute is silent as to how long the 1997 CARP proceeding is to take, but it is reasonable to conclude from the language of section 115(c)(3)(F) that Congress did not intend the initiation and conclusion of the CARP proceeding to take place much after the current rates expire on December 31, 1997, notwithstanding that new terms and rates are effective on January 1, 1998.

The Library has balanced its interpretation of what Congress desired for the first CARP proceeding for digital phonorecord deliveries with the interest of promoting voluntary agreements and, is therefore, announcing a new schedule. The Library is doing this in no small part because of the representation of the Parties that a voluntary agreement

is in the offing. However, the Parties, and any others who file a Notice of Intent to Participate in the CARP proceeding, are put on notice that this is the last time the Library will be able to alter the schedule for this proceeding. The schedule described below gives all parties almost one year to negotiate voluntary agreements, a decidedly longer period of time than Congress has established for future digital phonorecord delivery proceedings.

The following is the procedural schedule for the digital phonorecord delivery CARP proceeding, including the filing deadlines for Notices of Intent to Participate, additional comments on the advisability of consolidating the digital phonorecord delivery proceeding with the proceeding for adjustment of the mechanical royalty rate for physical phonorecords, and the deadline for filing petitions to initiate a CARP proceeding for digital phonorecord delivery transmissions.

Action	Deadline
Petitions to Initiate CARP Proceeding to Establish Terms and Rates for Digital Phonorecord Deliveries.	March 3, 1997.
Notices of Intent to Participate.	March 17, 1997.
Comments on Consolidation of Digital Phonorecord Delivery CARP Proceeding With CARP Proceeding for Physical Phonorecords.	March 17, 1997.
Filing of Written Direct Cases.	April 1, 1997.
Requests for Underlying Documents to Written Direct Cases.	April 8, 1997.
Responses to Requests for Underlying Documents.	April 14, 1997.
Completion of Document Production.	April 18, 1997.
Follow-Up Request for Underlying Documents.	April 23, 1997.
Responses to Follow-up Requests.	April 30, 1997.
Motions Related to Document Production.	May 5, 1997.
Production of Documents in Response to Follow-Up Requests.	May 12, 1997.
All Other Motions, Petitions and Objections.	May 15, 1997.
Initiate CARP .....	June 23, 1997.

The precontroversy discovery period, as specified by 37 CFR 251.45(b), begins on April 1, 1997, with the filing of written direct cases by each party. Each party in this proceeding who has filed

a Notice of Intent to Participate *must* file a written direct case on the date prescribed above. Failure to submit a timely filed written direct case will result in dismissal of that party's case. Parties must comply with the form and content of written direct cases as prescribed in § 251.43. Each party to the proceeding must deliver a complete copy of its written direct case to each of the other parties to the proceeding, as well as file a complete copy with the Copyright Office by close of business on April 1, 1997, the first day of the 45-day period.

After the filing of the written direct cases, document production will proceed according to the above-described schedule. Each party may request underlying documents related to each of the other parties' written direct cases by April 8, 1997, and responses to those requests are due by April 14, 1997. Documents which are produced as a result of the requests must be exchanged by April 18, 1997. It is important to note that all initial document requests must be made by the April 8, 1997, deadline. Thus, for example, if one party asserts facts that expressly rely on the results of a particular study that was not included in the written direct case, another party desiring production of that study must make its request by April 8; otherwise, the party is not entitled to production of the study.

The precontroversy discovery schedule also establishes deadlines for follow-up discovery requests. Follow-up requests are due by April 23, 1997, and responses to those requests are due by April 30, 1997. Any documentation produced as a result of a follow-up request must be exchanged by May 12, 1997. An example of a follow-up request would be as follows. In the above example, one party expressly relies on the results of a particular study which is not included in its written direct case. As noted above, a party desiring production of that study or survey must make its request by April 8, 1997. If, after receiving a copy of the study, the reviewing party determines that the study heavily relies on the results of a statistical survey, it would be appropriate for that party to make a follow-up request for production of the statistical survey by the April 23, 1997, deadline. Again, failure to make a timely follow-up request would waive that party's right to request production of the survey.

In addition to the deadlines for document requests and production, there are two deadlines for the filing of precontroversy motions. Motions related to document production must be filed

by May 5, 1997. Typically, these motions are motions to compel production of requested documents for failure to produce them, but they may also be motions for protective orders. Finally, all other motions, petitions and objections must be filed by May 15, 1997, the final day of the 45-day precontroversy discovery period. These motions, petitions, and objections include, but are not limited to, objections to arbitrators appearing on the arbitrator list under 37 CFR 251.4, and petitions to dispense with formal hearings under § 251.41(b).

Due to the strict time limitations between the procedural steps of the precontroversy discovery schedule, we are requiring that all discovery requests and responses to such requests be served by hand or fax on the party to whom such response or request is directed. Filing of requests and responses with the Copyright Office is not required.

Filing and service of all precontroversy motions, petitions, objections, oppositions and replies shall be as follows. In order to be considered properly filed with the Librarian and/or Copyright Office, all pleadings must be brought to the Copyright Office at the following address no later than 5 p.m. of the filing deadline date: Office of the Register of Copyrights, Room LM-403, James Madison Memorial Building, 101 Independence Avenue, S.E., Washington, DC 20540. The form and content of all motions, petitions, objections, oppositions and replies filed with the Office must be in compliance with §§ 251.44(b)-(e). As provided in § 251.45(b), oppositions to any motions or petitions must be filed with the Office no later than seven business days from the date of filing of such motion or petition. Replies are due five business days from the date of filing of such oppositions. Service of all motions, petitions, objections, oppositions and replies must be made on counsel or the parties by means no slower than overnight express mail on the same day the pleading is filed.

Dated: December 6, 1996.

Marilyn J. Kretsinger,

*Acting General Counsel.*

[FR Doc. 96-31425 Filed 12-10-96; 8:45 am]

BILLING CODE 1410-33-P

## INTERNATIONAL BOUNDARY AND WATER COMMISSION NOTICE

### Publication of Revised Project Certification Criteria

**AGENCY:** Border Environment Cooperation Commission (BECC).

**ACTION:** Publication of revised project certification criteria.

**SUMMARY:** This notice announces publication of the revised Project Certification Criteria document approved by the BECC Board of Directors on November 9, 1996.

#### FOR FURTHER INFORMATION CONTACT:

M.R. Ybarra, Secretary, United States Section, International Boundary and Water Commission, telephone: (915) 534-6698; or April Lander, Program Manager—Environment, Border Environment Cooperation Commission, P.O. Box 221648, El Paso, Texas 79913, telephone: (011-52-16) 29-23-95; fax: (011-52-16) 29-23-97; e-mail: [alander@cocef.interjuarez.com](mailto:alander@cocef.interjuarez.com).

**SUPPLEMENTARY INFORMATION:** The U.S. Section, International Boundary and Water Commission, on behalf of the Border Environment Cooperation Commission (BECC), announces that the revised Project Certification Criteria were approved by the BECC Board of Directors during their November 9, 1996 Public Meeting in Laredo, Texas, following an extensive public review and comment process. The changes in this document from its original community-tested version reflect the knowledge gained from a year's operating experience. The Criteria are utilized by the BECC to evaluate and certify environmental infrastructure projects along the U.S./Mexico border. Projects that are certified by the BECC qualify for financing consideration from the North American Development Bank (NADBank), BECC's sister institution, and other funding sources. The Criteria were first adopted by the BECC Board in August 1995. A matrix summarizing public comments received during the public review process and the BECC responses will be available to the public. Furthermore, the revised Criteria and the matrix will be available on BECC's Home Page: <http://cocef.interjuarez.com>. Electronic and/or hard copies of the document are available by request.

Dated: December 5, 1996.

M.R. Ybarra,

*Secretary, U.S. IBWC.*

[FR Doc. 96-31414 Filed 12-10-96; 8:45 am]

BILLING CODE 4710-03-M

## NATIONAL LABOR RELATIONS BOARD

### Revision of Statement of Organization and Functions

**AGENCY:** National Labor Relations Board.

**ACTION:** Notice of restructuring of El Paso Resident Office.

**SUMMARY:** The National Labor Relations Board gives notice of its intent to restructure the El Paso Resident office, which services the three counties in the State of Texas of Culberson, El Paso and Hudspeth, on January 31, 1997. On this date, the public office space in El Paso will be eliminated, but the Agency will continue to maintain a resident agent, a post office box and a telephone number in El Paso. This restructuring is being effectuated in order to meet the objective of reducing governmental costs, improving administrative efficiency and streamlining the operations of the Agency. The resident agent located in El Paso will continue to handle the investigation of unfair labor practice charges and representation petitions arising in that area. Combined with a post office box for filing charges and petitions and related correspondence and a local telephone number to handle calls from the public seeking assistance, it is anticipated that the restructuring of the El Paso Resident Office should not adversely affect our service to the public in that area.

#### FOR FURTHER INFORMATION CONTACT:

John J. Toner, 202-273-1940.

Dated, December 6, 1996, Washington, DC.

By Direction of the Board:

National Labor Relations Board

John J. Toner,

*Executive Secretary.*

[FR Doc. 96-31459 Filed 12-10-96; 8:45 am]

BILLING CODE 7545-01-M

## NUCLEAR REGULATORY COMMISSION

### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** U.S. Nuclear Regulatory Commission (NRC).

**ACTION:** Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

**SUMMARY:** The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the